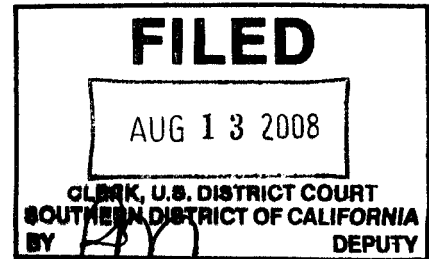


1 David O'Shell, pro per  
2 CO-000761-7  
3 Coalinga State Hospital  
4 P.O. Box 5003  
5 Coalinga, California 93210



6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

8 DAVID O'SHELL,  
9 Petitioner

10 v.

11 STEVEN MAYBERG, Warden,  
12 Respondent

Civil No. 08-0436 (NLS)

APPLICATION FOR THIRTY-DAY  
ENLARGEMENT OF TIME TO FILE  
TRAVERSE: DECLARATION OF DAVID  
O'SHELL IN SUPPORT THEREOF

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14  
15 Petitioner respectfully requests, under Federal Rule of  
16 Civil Procedure 6(b), that this court order a thirty-day  
17 enlargement of time to file a traverse to answer Deputy  
18 Attorney General, Anthony DaSilva's response to Petitioner's  
19 Writ of Habeas Corpus pursuant to 28 U.S.C. §2254.

20 Petitioner needs additional time to research and answer  
21 all of Respondent's points. Respondent was given an  
22 enlargement of time which granted his response to July 27,  
23 2008. Even though Respondent answered the court within the  
24 timeline, Petitioner did not receive the response until  
25 August 7, 2008 through the United States Postal Service.  
26 Because of the delay within the United States Postal system,  
27 Petitioner is now allowed 20 days to respond with his  
28 traverse. With all fairness in mind, Petitioner would

1 request that at least a full 30 days be granted him to  
2 prepare his response.

3  
4 Respectfully Submitted, Dated: August 10, 2008

5  
6 

7 David O'Shell, pro per  
8 Petitioner  
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DECLARATION OF DAVID O'SHELL

David O'Shell declares that:

I am the Petitioner who has filed a Writ of Habeas Corpus in the matter of O'Shell v. Mayberg, Civil No. 08-0436 (NLS).

I received by way of the United States Postal Service on August 7, 2008 a Memorandum of Points and Authorities in Support of Answer of Petition for Writ of Habeas Corpus which Deputy Attorney General, Anthony DaSilva filed with the Court of behalf of Steven Mayberg.

I am now required to answer by traverse due August 27, 2008, 20 days from receipt by mail, 17 days from the date shown below.

Based on the foregoing, I respectfully request the Court to grant a thirty-day extension of time for good cause shown such that a traverse is not due till September 27, 2008.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, on this day, August 10, 2008, at Coalinga, California

Respectfully Submitted, Dated: August 10, 2008



David O'Shell, pro per  
Petitioner

**PROOF OF SERVICE BY MAIL**  
**BY A PERSON IN STATE CUSTODY**

David O'Shell declares that:

I am over eighteen years of age and a party to this action. I am a resident of Coalinga State Hospital in the city of Coalinga in the county of Fresno, California. The address of my incarceration is: P.O. Box 5003, Coalinga, California.

On August 10, 2008, I served the attached: "Application for Thirty-Day Enlargement of Time to File Traverse; Declaration of David O'Shell" on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope with postage paid in the United States Mail in a deposit box so provided at the above named hospital in which I am presently confined. The envelopes were addressed as follows:

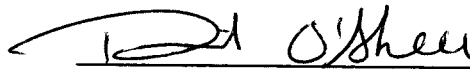
United States District Court  
Southern District of California  
Office of the Clerk  
880 Front Street, Suite 4290  
San Diego, California 92101-8900

AND:

Anthony DaSilva,  
Deputy Attorney General  
110 West "A" Street, Suite 1100  
San Diego, California 92101

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed August 10, 2008

  
David O'Shell, pro per  
Petitioner